



IWS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fallaux et al.

Serial No.: 10/618,526

Filed: July 11, 2003

For: PACKAGING SYSTEMS FOR  
HUMAN RECOMBINANT ADENOVIRUS  
TO BE USED IN GENE THERAPY

Confirmation No.: 5055

Examiner: D. Nguyen

Group Art Unit: 1632

Attorney Docket No.: 2578-3833.9US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 6, 2004  
Date

Aubry Blackburn  
Signature

Aubry Blackburn  
Name (Type/Print)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as

defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

Pursuant to 37 C.F.R. § 1.98(d), a copy of any patent, publication or other information listed in the Information Disclosure Statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. § 120.

Accordingly, no copy of information marked with a pound sign (#) is enclosed because it was previously cited or submitted to the patent office in a prior application which is properly identified above, and is relied upon for an earlier filing date. The references are as follows:

**U.S. Patent Documents**

| <u><b>U.S. Patent No.</b></u> | <u><b>Publication Date</b></u> | <u><b>Patentee</b></u> |
|-------------------------------|--------------------------------|------------------------|
| #US- 5,707,618                | 01-1998                        | Armentano et al.       |
| #US- 5,824,544                | 10-1998                        | Armentano et al.       |
| #US- 6,040,174                | 03-2000                        | Imler et al.           |
| #US - 6,051,430               | 04-18-2000                     | Plasterk et al.        |
| #US - 6,140,103               | 10-31-2000                     | Einerhand et al.       |
| #US - 6,203,975               | 03-2001                        | Wilson                 |
| #US - 6,204,052               | 03-20-2001                     | Bout et al.            |
| #US- 6,210,939                | 04-2001                        | Gregory et al.         |
| #US - 6,232,105               | 05-15-2001                     | Einerhand et al.       |
| #US - 6,238,893               | 05-29-2001                     | Hoeben et al.          |
| #US - 6,265,212               | 07-24-2001                     | Fallaux et al.         |
| #US - 6,306,652 B1            | 10-23-2001                     | Fallaux et al.         |
| #US - 2002/0102732 A1         | 08-01-2002                     | Fallaux et al.         |
| #US - 2002/0173039 A1         | 11-02-2002                     | Fallaux et al.         |
| #US - 2002/0164802 A1         | 11-07-2002                     | Fallaux et al.         |
| #US - 2003/0104626 A1         | 06-05-2003                     | Fallaux et al.         |

**Serial No.:** 10/618,526

|                      |            |                |
|----------------------|------------|----------------|
| #US - 6,602,706 B1   | 08-05-2003 | Fallaux et al. |
| #US- 2004/0087027 A1 | 05-2004    | Gregory et al. |

Foreign Patent Documents

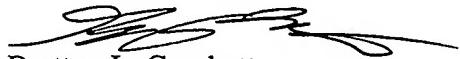
| <u>Document No.</u> | <u>Publication Date</u> | <u>Patentee</u> |
|---------------------|-------------------------|-----------------|
| #EP 117060          | 08-1984                 | Levinson        |
| #WO 97/00326        | 01-03-1997              | Introgen B.V.   |

Other Documents

#CHROBOCZEK et al., The Sequence of the Genome of Adenovirus Type 5 and Its Comparison with the Genome of Adenovirus Type 2, Virology, 1992, pp. 280-85, Vol. 186.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits. The fee pursuant to 37 C.F.R. § 1.17(p) is enclosed.

Respectfully submitted,



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Date: December 6, 2004  
BLC/alb

Enclosures: Form PTO/SB/08



U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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|                        |                |
|------------------------|----------------|
| Application Number     | 10/618,526     |
| Filing Date            | July 11, 2003  |
| First Named Inventor   | Fallaux et al. |
| Group Art Unit         | 1632           |
| Examiner Name          | D. Nguyen      |
| Attorney Docket Number | 2578-3833.9US  |

## U.S. PATENT DOCUMENTS

| U.S. PATENT DOCUMENTS |                       |  |                                |  |   |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials *   | Cite No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of<br>Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                       |                       | Number - Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       |                       | #US- 5,707,618                             | 01-1998                        | Armentano et al.                                   |   |
|                       |                       | #US- 5,824,544                             | 10-1998                        | Armentano et al.                                   |   |
|                       |                       | #US- 6,040,174                             | 03-2000                        | Imler et al.                                       |   |
|                       |                       | #US-6,051,430                              | 04-18-2000                     | Plasterk et al.                                    |   |
|                       |                       | #US- 6,140,103                             | 10-31-2000                     | Einerhand et al.                                   |   |
|                       |                       | #US- 6,203,975                             | 03-2001                        | Wilson   |   |
|                       |                       | #US- 6,204,052                             | 03-20-2001                     | Bout et al.  |   |
|                       |                       | #US- 6,210,939                             | 04-2001                        | Gregory et al.                                     |   |
|                       |                       | #US- 6,232,105                             | 05-15-2001                     | Einerhand et al.                                   |   |
|                       |                       | #US- 6,238,893                             | 05-29-2001                     | Hoeben et al.                                      |   |
|                       |                       | #US- 6,265,212                             | 07-24-2001                     | Fallaux et al.                                     |   |
|                       |                       | #US- 6,306,652 B1                          | 10-23-2001                     | Fallaux et al.                                     |   |
|                       |                       | #US- 2002/0102732 A1                       | 08-01-2002                     | Fallaux et al.                                     |   |
|                       |                       | #US- 2002/0173039 A1                       | 11-02-2002                     | Fallaux et al.                                     |   |
|                       |                       | #US- 2002/0164802 A1                       | 11-07-2002                     | Fallaux et al.                                     |   |
|                       |                       | #US- 2003/0104626 A1                       | 06-05-2003                     | Fallaux et al.                                     |   |
|                       |                       | #US- 6,602,706 B1                          | 08-05-2003                     | Fallaux et al.                                     |   |
|                       |                       | #US- 2004/0087027 A1                       | 05-2004                        | Gregory et al.                                     |   |
|                       |                       | US-  |                                |  |   |
|                       |                       | US-  |                                |  |   |

## FOREIGN PATENT DOCUMENTS

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

Approved for use through 10/31/2002, OMB 0651-0031

Approved for use as of Aug. 18, 2002, GPO 0-914-085.

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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| First Named Inventor     | Fallaux et al. |
| Group Art Unit           | 1632           |
| Examiner Name            | D. Nguyen      |
| Attorney Docket Number   | 2578-3833.9US  |

#### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

#Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 10/219,414

Filed: August 15, 2002

For: STOCKS OF REPLICATION DEFICIENT ADENOVIRUS, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

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<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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